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15 *Attorneys for Plaintiffs and the
the Proposed Class*

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

19 IN RE SEAGATE TECHNOLOGY LLC
20 LITIGATION

No. 3:16-cv-00523-JCS

21 DECLARATION OF SHANA E.
22 SCARLETT IN SUPPORT OF
23 PLAINTIFFS' RENEWED MOTION
24 FOR CLASS CERTIFICATION

25 DATE: January 18, 2018
26 TIME: 9:30 a.m.
27 DEPT: Hon. Joseph C. Spero
28 Courtroom G, 15th Floor

1 I, SHANA E. SCARLETT, declare as follows:

2 1. I am a partner at the law firm Hagens Berman Sobol Shapiro LLP, attorneys for
3 plaintiffs in the above-titled action. I have personal knowledge of the matters stated herein and, if
4 called upon, I could and would competently testify thereto.

5 2. Plaintiffs sought a stipulation from defendants, which Seagate declined. Plaintiffs
6 originally sought an extension of ten pages to the twenty-five page limit. Seagate indicated the
7 extension of pages would only be granted in exchange for an extension in their time to oppose the
8 motion by more than a month.

9 3. Attached hereto are true and correct copies of the following exhibits:

- 10 Exhibit 1: Document Bates-numbered FED SEAG0027180-81, produced in the above-
11 captioned litigation by Defendant Seagate in this action;
- 12 Exhibit 2: Document Bates-numbered FED SEAG0015567-68, produced in the above-
13 captioned litigation and designated "CONFIDENTIAL" by Defendant
14 Seagate pursuant to the protective order in this action;
- 15 Exhibit 3: Document Bates-numbered FED SEAG0019045-9094, produced in the
16 above-captioned litigation and designated "CONFIDENTIAL" by Defendant
17 Seagate pursuant to the protective order in this action;
- 18 Exhibit 4: Captured image of Seagate ST3000DM001 product specifications as it
19 appeared on November 29, 2011, *available at*
20 [https://web.archive.org/web/20111129033926/http://www.seagate.com:80/www/en-](https://web.archive.org/web/20111129033926/http://www.seagate.com:80/www/en-us/products/desktops/barracuda_hard_drives#TabContentSpecifications)
21 [us/products/desktops/barracuda_hard_drives#TabContentSpecifications](https://web.archive.org/web/20111129033926/http://www.seagate.com:80/www/en-us/products/desktops/barracuda_hard_drives#TabContentSpecifications);
- 22 Exhibit 5: Captured image of Seagate Barracuda product specifications as it appeared
23 on April 28, 2012, *available at*
24 [https://web.archive.org/web/20120428124406/http://www.seagate.com:80/in-](https://web.archive.org/web/20120428124406/http://www.seagate.com:80/internal-hard-drives/desktop-hard-drives/)
25 [ternal-hard-drives/desktop-hard-drives](https://web.archive.org/web/20120428124406/http://www.seagate.com:80/internal-hard-drives/desktop-hard-drives/);
- 26 Exhibit 6: Captured image of Seagate Desktop HDD product specifications as it
27 appeared on January 24, 2014, *available at*
28 [https://web.archive.org/web/20140124073650/http://www.seagate.com/inter-](https://web.archive.org/web/20140124073650/http://www.seagate.com/internal-hard-drives/desktop-hard-drives/)
[nal-hard-drives/desktop-hard-drives/](https://web.archive.org/web/20140124073650/http://www.seagate.com/internal-hard-drives/desktop-hard-drives/);
- Exhibit 7: Document Bates-numbered FED SEAG0004438-475, produced in the
above-captioned litigation and designated "CONFIDENTIAL" by Defendant
Seagate pursuant to the protective order in this action;
- Exhibit 8: Excerpts from the 30(b)(6) Deposition of Seagate Technology, LLC (given
by Glen Almgren), taken in the above-captioned litigation on July 26, 2017;
- Exhibit 9: Seagate Technology, LLC's Third Amended Response to Plaintiffs' First Set
of Interrogatories, Nos. 9 and 10, served on February 8, 2018 and designated

1 “CONFIDENTIAL” by Defendant Seagate pursuant to the protective order
2 in this action;

3 Exhibit 10: Excerpts from the 30(b)(6) Deposition of Seagate Technology, LLC (given
4 by Patrick Dewey), taken in the above-captioned litigation on September 7,
5 2017;

6 Exhibit 11: Defendant Seagate Technology LLC’s Responses to Plaintiff Christopher
7 Nelson’s Second Set of Interrogatories, served on October 5, 2018 and
8 designated as “CONFIDENTIAL” by Defendant Seagate pursuant to the
9 protective order in this action;

10 Exhibit 12: Excerpts from the Videotaped Deposition of Dennis Crawford, taken in the
11 above-captioned litigation on June 15, 2017;

12 Exhibit 13: Document Bates-numbered FED SEAG0076615-76701, produced in the
13 above-captioned litigation and designated “CONFIDENTIAL” by Defendant
14 Seagate pursuant to the protective order in this action;

15 Exhibit 14: Excerpt from document Bates-numbered FED SEAG0093489, produced in
16 the above-captioned litigation and designated “HIGHLY CONFIDENTIAL
17 – ATTORNEYS’ EYES ONLY” by Defendant Seagate pursuant to the
18 protective order in this action;

19 Exhibit 15: Seagate Barracuda data sheet, dated November 2011;

20 Exhibit 16: Seagate Storage Solutions guide, dated July 2012, *available at*
21 [https://www.seagate.com/files/www-content/product-content/_cross-](https://www.seagate.com/files/www-content/product-content/_cross-product/en-us/docs/storage-solutions-guide-sg1351-11-1210us.pdf)
22 [product/en-us/docs/storage-solutions-guide-sg1351-11-1210us.pdf](https://www.seagate.com/files/www-content/product-content/_cross-product/en-us/docs/storage-solutions-guide-sg1351-11-1210us.pdf);

23 Exhibit 17: Document Bates-numbered FED SEAG0031474-1513, produced in the
24 above-captioned litigation by Defendant Seagate in this action;

25 Exhibit 18: Seagate Storage Solutions Guide dated October 2013, *available at*
26 [https://www.seagate.com/files/www-content/product-content/_cross-](https://www.seagate.com/files/www-content/product-content/_cross-product/en-us/docs/storagesolution-guide-oct-13-ssg1351-14-1310us.pdf)
27 [product/en-us/docs/storagesolution-guide-oct-13-ssg1351-14-1310us.pdf](https://www.seagate.com/files/www-content/product-content/_cross-product/en-us/docs/storagesolution-guide-oct-13-ssg1351-14-1310us.pdf);

28 Exhibit 19: Documents Bates-numbered FED SEAG0004783-4810, produced in the
above-captioned litigation and designated “CONFIDENTIAL” by Defendant
Seagate pursuant to the protective order in this action;

Exhibit 20: Document Bates-numbered FED SEAG0002109-110, produced in the
above-captioned litigation and designated “CONFIDENTIAL” by Defendant
Seagate pursuant to the protective order in this action;

Exhibit 21: Document Bates-numbered FED SEAG0012340-364, produced in the
above-captioned litigation and designated “CONFIDENTIAL” by Defendant
Seagate pursuant to the protective order in this action;

Exhibit 22: Document Bates-numbered FED SEAG0056563-6642, produced in the
above-captioned litigation and designated “HIGHLY CONFIDENTIAL” by
Defendant Seagate pursuant to the protective order in this action;

Exhibit 23: Document Bates-numbered FED SEAG0009670-9702, produced in the
above-captioned litigation and designated “CONFIDENTIAL” by Defendant

Seagate pursuant to the protective order in this action;

Exhibit 24: Documents Bates-numbered FED_SEAG0055127-132 and FED_SEAG0054972-77, produced in the above-captioned litigation and designated "CONFIDENTIAL" by Defendant Seagate pursuant to the protective order in this action;

Exhibit 25: Document Bates-numbered FED_SEAG0055922-56034, produced in the above-captioned litigation and designated "HIGHLY CONFIDENTIAL" by Defendant Seagate pursuant to the protective order in this action;

Exhibit 26: Document Bates-numbered FED_SEAG0063104-139, produced in the above-captioned litigation and designated "HIGHLY CONFIDENTIAL" by Defendant Seagate pursuant to the protective order in this action;

Exhibit 27: Document Bates-numbered FED_SEAG0060976-982, produced in the above-captioned litigation and designated "HIGHLY CONFIDENTIAL" by Defendant Seagate pursuant to the protective order in this action;

Exhibit 28: Document Bates-numbered FED_SEAG0006071-74, produced in the above-captioned litigation and designated "CONFIDENTIAL" by Defendant Seagate pursuant to the protective order in this action;

Exhibit 29: Document Bates-numbered FED_SEAG0067917-19, produced in the above-captioned litigation and designated "HIGHLY CONFIDENTIAL" by Defendant Seagate pursuant to the protective order in this action;

Exhibit 30: Document Bates-numbered FED_SEAG0067889-7900, produced in the above-captioned litigation and designated "HIGHLY CONFIDENTIAL" by Defendant Seagate pursuant to the protective order in this action;

Exhibit 31: Document Bates-numbered FED_SEAG0055041-46, produced in the above-captioned litigation and designated "CONFIDENTIAL" by Defendant Seagate pursuant to the protective order in this action;

Exhibit 32: Document Bates-numbered FED_SEAG0055831-849, produced in the above-captioned litigation and designated "HIGHLY CONFIDENTIAL" by Defendant Seagate pursuant to the protective order in this action;

Exhibit 33: Document Bates-numbered FED_SEAG0059618-629, produced in the above-captioned litigation and designated "HIGHLY CONFIDENTIAL" by Defendant Seagate pursuant to the protective order in this action;

Exhibit 34: Document Bates-numbered FED_SEAG0026751-794, produced in the above-captioned litigation and designated "HIGHLY CONFIDENTIAL" by Defendant Seagate pursuant to the protective order in this action;

Exhibit 35: Document Bates-numbered FED_SEAG0057277-7403, produced in the above-captioned litigation and designated "HIGHLY CONFIDENTIAL" by Defendant Seagate pursuant to the protective order in this action;

Exhibit 36: Documents Bates-numbered FED_SEAG0072642-651 and FED_SEAG0072382-89, produced in the above-captioned litigation and designated "CONFIDENTIAL" by Defendant Seagate pursuant to the protective order in this action;

- 1 Exhibit 37: Document Bates-numbered FED_SEAG0006442-45, produced in the above-
- 2 captioned litigation and designated "CONFIDENTIAL" by Defendant
- 3 Seagate pursuant to the protective order in this action;
- 4 Exhibit 38: Document Bates-numbered FED_SEAG0072676-681, produced in the
- 5 above-captioned litigation and designated "CONFIDENTIAL" by Defendant
- 6 Seagate pursuant to the protective order in this action;
- 7 Exhibit 39: Document Bates-numbered FED_SEAG0072348, produced in the above-
- 8 captioned litigation and designated "CONFIDENTIAL" by Defendant
- 9 Seagate pursuant to the protective order in this action;
- 10 Exhibit 40: Document Bates-numbered FED_SEAG0071790-1803, produced in the
- 11 above-captioned litigation and designated "CONFIDENTIAL" by Defendant
- 12 Seagate pursuant to the protective order in this action;
- 13 Exhibit 41: Document Bates-numbered FED_SEAG0071982-86, produced in the above-
- 14 captioned litigation and designated "CONFIDENTIAL" by Defendant
- 15 Seagate pursuant to the protective order in this action;
- 16 Exhibit 42: Document Bates-numbered FED_SEAG0071996-72006, produced in the
- 17 above-captioned litigation and designated "CONFIDENTIAL" by Defendant
- 18 Seagate pursuant to the protective order in this action;
- 19 Exhibit 43: Document Bates-numbered FED_SEAG0057214-16, produced in the above-
- 20 captioned litigation and designated "HIGHLY CONFIDENTIAL" by
- 21 Defendant Seagate pursuant to the protective order in this action;
- 22 Exhibit 44: Document Bates-numbered FED_SEAG0002673-680, produced in the
- 23 above-captioned litigation and designated "CONFIDENTIAL" by Defendant
- 24 Seagate pursuant to the protective order in this action;
- 25 Exhibit 45: Document Bates-numbered FED_SEAG0055784-86, produced in the above-
- 26 captioned litigation and designated "HIGHLY CONFIDENTIAL" by
- 27 Defendant Seagate pursuant to the protective order in this action;
- 28 Exhibit 46: Document Bates-numbered FED_SEAG0024743-763, produced in the
- above-captioned litigation and designated "HIGHLY CONFIDENTIAL" by
- Defendant Seagate pursuant to the protective order in this action;
- Exhibit 47: Article entitled, "What Can 49,056 Hard Drives Tell Us? Hard Drive
- Reliability Stats for Q# 2015," dated October 14, 2015, *available at*
- <https://www.backblaze.com/blog/hard-drive-reliability-q3-201>;
- Exhibit 48: Document Bates-numbered FED_SEAG0025567-572, produced in the
- above-captioned litigation and designated "HIGHLY CONFIDENTIAL" by
- Defendant Seagate pursuant to the protective order in this action;
- Exhibit 49: Article entitled, "CSI: Backblaze – Dissecting 3TB Drive Failure, dated
- April 15, 2015, *available at* [https://www.backblaze.com/blog/3tb-hard-](https://www.backblaze.com/blog/3tb-hard-drive-failure/)
- [drive-failure/](https://www.backblaze.com/blog/3tb-hard-drive-failure/);
- Exhibit 50: Document Bates-numbered FED_SEAG0010073-10082, produced in the
- above-captioned litigation and designated "CONFIDENTIAL" by Defendant

Seagate pursuant to the protective order in this action;

Exhibit 51: Document Bates-numbered FED_SEAG0025642-46, produced in the above-captioned litigation and designated “HIGHLY CONFIDENTIAL” by Defendant Seagate pursuant to the protective order in this action;

Exhibit 52: Document Bates-numbered FED_SEAG0001851-881, produced in the above-captioned litigation and designated “CONFIDENTIAL” by Defendant Seagate pursuant to the protective order in this action;

Exhibit 53: Excerpt from document Bates-numbered FED_SEAG0090915, produced in the above-captioned litigation and designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” by Defendant Seagate pursuant to the protective order in this action;

Exhibit 54: Excerpt from document Bates-numbered FED_SEAG0090943, produced in the above-captioned litigation and designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” by Defendant Seagate pursuant to the protective order in this action;

Exhibit 55: Defendant Seagate Technology LLC’s Supplemental Responses to Plaintiff Christopher Nelson’s First Set of Interrogatories, served by Defendant on August 18, 2017 and designated “HIGHLY CONFIDENTIAL” by Defendant Seagate pursuant to the protective order in this action;

Exhibit 56: Excerpts from the Deposition of Jeffrey Fochtman, taken in the above-captioned litigation on August 18, 2017;

Exhibit 57: Excerpts from the Videotaped Deposition of Joshua Enders, taken in the above-captioned litigation on June 7, 2017;

Exhibit 58: Excerpts from the Videotaped Deposition of David Schechner, taken in the above-captioned litigation on June 6, 2017;

Exhibit 59: Excerpts from the Videotaped Deposition of James Hagey, taken in the above-captioned litigation on July 24, 2017;

Exhibit 60: Excerpts from the Videotaped Deposition of Nikolas Manak, taken in the above-captioned litigation on June 20, 2017;

Exhibit 61: Declaration of Derek Noer, dated November 7, 2017;

Exhibit 62: Declaration of Office Depot, Inc., dated November 7, 2017;

Exhibit 63: Summary chart of Seagate AFR rates;

Exhibit 64: Document Bates-numbered FED_SEAG0072362, produced in the above-captioned litigation and designated “CONFIDENTIAL” by Defendant Seagate pursuant to the protective order in this action;

Exhibit 65: Document Bates-numbered FED_SEAG0054972-77, produced in the above-captioned litigation and designated “CONFIDENTIAL” by Defendant Seagate pursuant to the protective order in this action; and

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Exhibit 66: Document Bates-numbered FED_SEAG0072382-89, produced in the above-captioned litigation and designated "CONFIDENTIAL" by Defendant Seagate pursuant to the protective order in this action.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 15th day of October, 2018 at Berkeley, California.

s/ Shana E. Scarlett
SHANA E. SCARLETT